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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/704,769	11/03/2000	Shuning Wann	BHT/3111/127	4376

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EXAMINER

CALLAHAN, PAUL E

ART UNIT PAPER NUMBER

2137

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/704,769	Applicant(s) WANN, SHUNING	
	Examiner Paul Callahan	Art Unit 2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 7-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Claims 1-20 were pending in this application at the time of the previous Office Action. Claims 1-6 have been cancelled and new claims 22-32 added via the latest amendment. Therefore claims 7-32 are pending in this application and have been examined.

### ***Response to Arguments***

2. The applicant argues that Harrison '895 fails to teach a data stream interceptor. Yet Harrison teaches such at fig. 1 item 100.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 7-21 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by Harrison et al. US 6,081,895.

As for claims 7, 11, 15, 19, 20, and 21, Harrison teaches a cryptographic device (abstract) comprising: at least one data stream interceptor (abstract: "channel for processing data units"); a main controller receiving input from said at least one data stream interceptor (fig. 1 item 100); a least one data generating controller adapted to perform at least one data transfer protocol with at least one data generating device on command from said main controller (fig. 1 item 12, col. 5 lines 26-37); at least one data storage controller adapted to perform at least one data transfer protocol with at least one data storage device on command from said main controller (fig. 2 items 124, 126, 128, col. 7 lines 1-10); and east one cipher engine adapted to transparently encrypt at least one data stream flowing between said at least one data generating device and said at least one data storage device on command from said controller (fig. 1 item 14).

As for claim 8, 12, and 16, Harrison teaches a cipher engine that is operative coupled between at least one input buffer and at least one output buffer (fig. 1 items 13-15, col. 3 lines 45-50).

As for claims 9, 10, 13, 14, 17 and 18, Harrison teaches at least one input and out buffer that receives data from a data-generating device and a data storage device (fig. 1 items 13-15, col. 3 lines 45-50).

5. Claims 22-26, 28, 29, and 32 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Van Rumpt et al. US 5,513,262.

As for claims 22 and 32, Van Rumpt teaches an apparatus comprising a data security apparatus configured to intercept data that is either transmitted from or to be received by a data processing apparatus (abstract, fig. 1 item 2), wherein: intercepted data is either encrypted or decrypted or unchanged at the data security apparatus in accordance with a predetermined communication protocol (col. 2 lines 45-50); and the data processing apparatus operates independently from the data security apparatus (col. 3 lines 10-30).

As for claim 23 Van Rumpt teaches an apparatus wherein the data security apparatus is configured to interface with a data storage apparatus (fig. 1).

As for claim 24, Van Rumpt teaches an apparatus wherein the intercepted data is transmitted from or to be received by the data storage apparatus (fig. 1).

As for claim 25, Van Rumpt teaches an apparatus wherein the data storage apparatus is selected from a group consisting of a hard disk apparatus; a floppy disk apparatus; a CD apparatus; a magnetic tape apparatus; a CD-RW apparatus; a magnetic optical apparatus; a digital video recorder; a flash memory apparatus; and a PCMCIA apparatus (fig. 1 item 7).

Art Unit: 2137

As for claim 26, Van Rumpt teaches an apparatus wherein the data storage apparatus is permanently coupled to the data security apparatus (fig. 1 item 7, Hard Disk Storage Units are typically permanently installed in a computer).

As for claim 28, Van Rumpt teaches an apparatus wherein the data processing apparatus is a central processing unit (fig. 1 item 6).

As for claim 29, Van Rumpt teaches an apparatus of claim 28, wherein the central processing unit is comprised in a computing device, wherein the computing device is selected from a group consisting of a host computer; a notebook; a microprocessor; a router; and an interface card (col. 1 lines 10-20: "Standard Computer Types", fig. 1 item 6, col. 2 lines 1-15).

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 27, 30, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Rumpt.

Art Unit: 2137

As for claim 27, Van Rumpt does not teach an apparatus wherein the data storage apparatus is temporarily coupled to the data security apparatus. However Official Notice may be taken that such a feature is old and well known in the art. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the system of Van Rumpt. It would have been desirable to do so as this would increase the portability of the stored data.

As for claim 30, Van Rumpt does not teach an apparatus wherein the predetermined communication protocol is determined by a control signal from the data processing apparatus. However Official Notice may be taken that such a feature is old and well known in the art. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the system of Van Rumpt. It would have been desirable to do so as this would increase the CPU control over encryption operations, allowing modification when necessary.

As for claim 31, Van Rumpt does not teach an apparatus wherein the control signal is generated in the data processing apparatus for interpretation at a data storage apparatus. However Official Notice may be taken that such a feature is old and well known in the art. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the system of Van Rumpt. It would have been desirable to do so as this would speed data processing at the storage location.

**Conclusion**

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following US Patent document teaches features pertinent to the instant invention.

Cruts et al. 4,780,905

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul E. Callahan whose telephone number is (703) 305-1336. The examiner can normally be reached on M-F from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Andrew Caldwell, can be reached on (703) 306-3036. The fax phone number for the organization where this application or proceeding is assigned is: (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

5/29/05

*Paul Callahan*